

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

BEDROCK COMPUTER  
TECHNOLOGIES LLC,

Plaintiff,

v.

SOFTLAYER TECHNOLOGIES, INC.,  
CITIWARE TECHNOLOGY SOLUTIONS,  
LLC, GOOGLE INC., YAHOO! INC.,  
MYSAPCE INC., AMAZON.COM INC.,  
PAYPAL INC., MATCH.COM, LLC., AOL  
LLC, and CME GROUP INC.,

Defendants.

CASE NO. 6:09-CV-00269

Hon. Leonard E. Davis

**JURY TRIAL DEMANDED**

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**GOOGLE'S MOTION FOR LEAVE TO FILE  
NOTICE OF SUPPLEMENTAL FACTS REGARDING DEFENDANTS' MOTION TO  
COMPEL PLAINTIFF TO COMPLY WITH PATENT RULE 3-1 AND TO EXTEND  
THE TIME TO SERVE INVALIDITY CONTENTIONS**

On February 19, 2010, a month after Bedrock filed its Surreply (Dkt. No. 162) in opposition to Defendants' Motion to Compel Plaintiff to Comply with Patent Rule 3-1 (Dkt. No. 133), Bedrock served a response to Google's Interrogatory No. 7. In response to Google's Interrogatory No. 7, Bedrock provided new infringement contentions for Google (but not the other Defendants), identifying lines of source code it contends infringe the asserted claims for many (but not all) of the claim limitations. Bedrock's response to Google's interrogatory seriously undermines its arguments in opposition to Defendants' Motion to Compel. Google, therefore, seeks leave of the Court to submit a brief, four-page Supplemental Notice along with supporting exhibits, filed concurrently herewith, so that the Court may consider this new development when ruling on Defendants' Motion to Compel. Good cause exists to submit the Supplemental Notice since Bedrock only served the response to Google's interrogatory a month after it served its Surreply in which it denied that it could or should provide more detailed infringement contentions. Accordingly the Court should grant Google's Motion for Leave to File a Notice of Supplemental Facts.

Dated: March 4, 2010

Respectfully submitted,

By: /s/ Michael E. Jones

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*Attorneys for Defendants Google, Inc. and  
Match.com LLC*

### **CERTIFICATE OF CONFERENCE**

I hereby certify that counsel for Google Inc. have satisfied the meet and confer requirements of Local Rule CV-7(h). The personal conference requirement of Local Rule CV-7(h) has been met. On March 3, 2010, Todd Briggs, counsel for Google, met and conferred by telephone with Austin Curry of McKool Smith, PC, counsel for Bedrock Computer Technologies LLC regarding the relief requested in the foregoing motion. In that conference, we discussed our clients' positions. Bedrock disagreed with Google that its interrogatory response was the proper subject of a supplemental notice. These discussions conclusively ended in an impasse regarding the issues in the motion.

/s/ Michael E. Jones

Michael E. Jones

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of this **MOTION FOR LEAVE TO SUBMIT NOTICE OF SUPPLEMENTAL FACTS REGARDING DEFENDANTS' MOTION TO COMPEL PLAINTIFF TO COMPLY WITH PATENT RULE 3-1 AND TO EXTEND THE TIME TO SERVE INVALIDITY CONTENTIONS**, via the Court's CM/ECF system per Local Rule CV-5(a)(3) and electronic mail on March 4, 2010. Any other counsel of record was served via First Class Mail.

/s/ Michael E. Jones

Michael E. Jones